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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,042	11/08/2000	Stefaan Valere Albert Coussement	P4643	4522

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EXAMINER

VU, THONG H

ART UNIT PAPER NUMBER

2142

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/710,042

Applicant(s)

COUSSEMENT, STEFAAN
VALERE ALBERT

Examiner

Thong H Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-34 are pending.

Claim Rejections - 35 USC § 101

2. Claims 1-34 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility. (claim 1 discloses: a network obtained agent status before contact with agent).

Claim Rejections - 35 USC § 112

3. Claims 1-34 also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either "a network obtained agent status before contact with agent" asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.
4. Claims 1-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention; i.e.: either "a network obtained agent status before contact with agent". It is unclear How the user can obtain the status of agent before contact to agent.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-34 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Humpleman et al [Humpleman 6,546,419 B1].

5. As per claim 1, Humpleman discloses a network-based system for enabling users of the system to obtain current agent-status Information related to agents of an information-source facility (i.e.: server) connected to the network before initiating contact with the agent or agents of the information-source facility [Humpleman, Home network with appliances, col 19 lines 59-65, Fig 20; current time, col 6 lines 18-34; status of the information, col 5 line 65-6 line 17] comprising:

a first server node connected to the information-source facility and to the network; a second server node connected to the first server node and to the network, the first server node accessible to the second server node [Humpleman, server 1-server 4, Fig 1-9; col 8 lines 3-65; col 14 lines 6-47];

a network-capable appliance connected to the network, the second server node accessible to the network-capable appliance [Humpleman, appliances, col 1 lines 34-51; Fig 20; col 19 lines 59-65] and

a software application distributed on at least the first and second server-nodes, the software application enabling distribution of the agent status information [Humpleman, XML RPC, col 18 line 17-col 19 line 38]:

the user operating the network-capable appliance accesses the second server node, states the intent of the call [Humpleman, the structure format or XML format, standard format for the user view before access or intent of the call, col 3 lines 10-17;

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col 11 lines 30-49] and requests the agent-status information [Humpleman, status of the information, col 5 line 65-6 line 17], the agent-status information accessed from the first server node by the second server node, based on the stated intent and is delivered to the requesting user [Humpleman, based on the user command and control information to communication between two or more servers, col 8 lines 17-32].

6. As per claim 19, Humpleman discloses A method for enabling users connected to a network to obtain current agent-status information related to agents of an information-source facility connected to the network before initiating contact with the agent or agents of the information-source facility comprising the steps of:

(a) periodically compiling and preparing the agent-status information at the information-source facility [Humpleman, a period of time, col 26 lines 50-57];

(b) rendering the compiled agent-status information available in a network-connected server [Humpleman, a renderer 24, col 5 lines 34-45]; and

(c) serving the agent-status information or a portion thereof to network-connected users over a network path upon request, based on a stated intent from the user [Humpleman, the structure format or XML format, standard format for the user view before access or intent of the call, col 3 lines 10-17; col 11 lines 30-49; status of the information, col 5 line 65-6 line 17].

7. As per claims 2,20 Humpleman discloses the network is a data packet-network [Humpleman, IP network, col 4 lines 41-53].

8. As per claims 3,21 Humpleman discloses the data-packet-network is the Internet network [Humpleman, Internet, col 21 lines 40-45].

9. As per claims 4,22 Humpleman discloses the information-source facility is a communication center marketing products and or service to the users [Humpleman, a management server, col 6 lines 35-60].

10. As per claims 5,24 Humpleman discloses disclose the agents are human resources employed by the communication center [Humpleman, the user can look and feel, col 5 lines 25-32].

11. As per claims 6,25 Humpleman discloses the agents are automated systems implemented at the communications center [Humpleman, automatically command and control a second set of servers, col 7 lines 1-5].

12. As per claims 7,27 Humpleman discloses the agent-status information includes a description of the agent and or agents capabilities, the number of calls waiting in the agent's or agents' queue or queues, and an estimated time for response by the agent or agents [Humpleman, query the capabilities, XML PRC, col 14 lines 20-35; Time Delay, col 18 lines 29-37].

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13. As per claims 8,28 Humpleman-Davidson disclose the number of calls waiting information and the estimated time for response information is averaged over a group of agents as inherent features of delay operation [Humpleman, automatic time delay operation, col 7 lines 5-14].

14. As per claims 9,29 Humpleman-Davidson disclose a number of calls waiting information and the estimated time for response information is specific to a specific agent user as a design choice of the controlled application [Humpleman, controlled application, col 18 lines 17-37].

15. As per claims 10,30 Humpleman discloses the agent-status information delivered to the requesting user is specific to the request initiated by the user.

16. As per claims 11,31 Humpleman discloses the agent-status information automatically updates periodically during a user session [Humpleman, the software can fetch the new updated, col 23 line 54-col 24 line 3].

17. As per claims 12,32 Humpleman discloses the agent-status information is continually streamed to the requesting user during session [Humpleman, audio/video streams, col 4 lines 41-53].

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18. As per claim 13, Humpleman discloses the agent-status information is pulled from the first server node by the second server node according to the user's request [Humpleman, sink and source servers, Fig 9].

19. As per claim 14, Humpleman discloses the agent-status information is pushed to the second server node by the first server node and is available to be pulled by the user [Humpleman, sink and source servers, Fig 9].

20. As per claims 15,34 Humpleman discloses the software application uses instant message technology in the transfer of agent-status information as a design choice of XML RPC message [Humpleman, XML RPC, col 18 lines 17-28].

21. As per claim 16, Humpleman discloses the software application uses streaming technology in the transfer of agent-status information [Humpleman, audio/video streams, col 4 lines 41-53].

22. As per claim 17, Humpleman discloses the software application embeds the agent-status information into a Web page requested by the user [Humpleman, embedded appliances, col 19 line 59-col 20 line 3].

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23. As per claim 18, Humpleman discloses the functions of the first and second server nodes are implemented within a single server node connected to the call center, the network, and accessible to the network-capable appliance as a design choice.

24. As per claim 26, Humpleman discloses the agent status information is compiled using agent monitoring software [Humpleman, monitoring and controlling of those devices, col 22 lines 52-57].

25. As per claim 33, Humpleman discloses there are more than one server nodes in line on the network path, the server nodes hosted by the communication center [Humpleman, a management server, col 6 lines 35-60].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (571) 272-3896. The fax number for the organization where this application or proceeding is assigned is 703-872-9306

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Patent Examiner
Art Unit 2142

